

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: DECEMBER 2, 2009****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VAR-36338 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CAROLINE'S COURT, LLC - Request for a Variance TO ALLOW ZERO LOADING ZONES WHERE ONE IS REQUIRED on a portion of 25.03 acres at the northwest corner of El Capitan Way and Durango Drive (APN 125-17-612-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****2****City Council Meeting****3****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****5****City Council Meeting****6****RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda – Protest Postcards and Support Letters/Postcards for Items 82-84
7. Submitted after Meeting – Protest Postcard and Recordation Notice of Council Action and Conditions of Approval for Items 82-84
8. Backup referenced from the November 5, 2009 Planning Commission Meeting Item 39

Motion made by STEVEN D. ROSS to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 82-85.

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JAMES LOPEZ, 5096 West Post Road, appeared with the applicant/owner, JACOB KHAKSHOURI, and described the project. Construction has started and financing is in place to maintain the project going forward. The original proposal included a bank, which subsequently pulled out and was replaced with a freestanding Del Taco. The square footage has been reduced to approximately 2,000. To mitigate some of the issues, there is a soft loading zone to accommodate delivery trucks in the early morning, and the drive through area is situated over 200 feet from residential. The block wall is six feet tall, and a trail with additional landscaping on both sides has been incorporated. MR. LOPEZ pointed out that the business needs to run 24 hours to be profitable. He showed a photo of the proposed clock tower and noted that it is not a monument sign, but rather a nice architectural feature that is compatible with the subject center. The Centennial Town Center standards allow for a maximum height of two stories, so a waiver is not needed for the height.

TODD FARLOW thanked the applicant for his efforts with the trails. He complimented the applicant on the proposed clock tower and questioned if a cell tower could be collocated. MR. KHAKSHOURI was not sure if the cell tower is architecturally feasible, but was open to discussions.

MR. KHAKSHOURI thanked COUNCILMAN ROSS for his assistance in being a good developer and holding a neighborhood meeting, whereby residents ultimately supported the project, including JENNIFER TAYLOR, who was once in opposition. MR. KHAKSHOURI added that despite the struggling economy, he upgraded the materials for aesthetics' sake and to attract patrons, as many other existing developments, such as Boca Park, have done.

COUNCILMAN ROSS said that MR. KHAKSHOURI has done a great job of involving the residents and putting their concerns at ease. He was pleased to see the increased landscaping to protect the nearest residents' quality of life. At COUNCILMAN ROSS' request, JOHN DRUSE, Director of Construction for Del Taco, accepted additional conditions regarding a one-year administrative review and no signage on the clock tower, both of which MARGO WHEELER, Director of Planning and Development, crafted and read.

MAYOR GOODMAN declared the Public Hearing closed for Items 82-85.